

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 189

BOARD OF PSYCHOLOGISTS

Sub-Chapter 1

Organizational Rule

Rule 24.189.101 Board Organization

Sub-Chapter 2

Procedural Rules

Rule 24.189.201 Procedural Rules

24.189.202 Public Participation Rules

Rules 24.189.203 and 24.189.204 reserved

24.189.205 Board Meetings

Sub-Chapter 3

Definitions

Rule 24.189.301 Definitions

Subchapter 4

General Provisions

Rule 24.189.401 Fee Schedule

24.189.402 Fee Abatement

Rule 24.189.403 reserved

24.189.404 Preparation of Licenses

Rules 24.189.405 and 24.189.406 reserved

24.189.407 Renewals

Rules 24.189.408 through 24.189.410  
reserved

24.189.411 Use Of Title

Rules 24.189.412 and 24.189.413 reserved

24.189.414 Non-Resident Psychological Services

Subchapter 5 reserved

Sub-Chapter 6

Licensure

Rule	24.189.601	Application Procedures
		Rules 24.189.602 and 24.189.603 reserved
	24.189.604	Minimum Standards
		Rules 24.189.605 and 24.189.606 reserved
	24.189.607	Required Supervised Experience
		Rules 24.189.608 and 24.189.609 reserved
	24.189.610	Examination
		Rules 24.189.611 through 24.189.619 reserved
	24.189.620	Licensees From Other States Or Canadian Jurisdictions
		Rules 24.189.621 through 24.189.624 reserved
	24.189.625	Licensure Of Foreign-Trained Psychologists
		Rules 24.189.626 through 24.189.629 reserved
	24.189.630	Licensure As A Psychologist By Experience (Senior)

Sub-Chapter 7 reserved

Sub-Chapter 8

Parenting Plan Evaluations

Rule	24.189.801	Orienting Guidelines
		Rules 24.189.802 and 24.189.803 reserved
	24.189.804	Role Of The Psychologist
		Rules 24.189.805 and 24.189.806 reserved
	24.189.807	Dual Relationships

Rules 24.189.808 and 24.189.809 reserved

24.189.810 Competency

Rules 24.189.811 and 24.189.812 reserved

24.189.813 Limits Of Confidentiality

Rules 24.189.814 through 24.189.816  
reserved

24.189.817 Disclosure And Informed Consent

Rules 24.189.818 and 24.189.819 reserved

24.189.820 Collection And Use Of Data

Rules 24.189.821 and 24.189.822 reserved

24.189.823 Documentation

Sub-Chapters 9 through 20 reserved

Sub-Chapter 21

Continuing Education

Rule 24.189.2101 Continuing Education Requirements

Rules 24.189.2102 and 24.189.2103 reserved

24.189.2104 Continuing Education Program Options

Rules 24.189.2105 and 24.189.2106 reserved

24.189.2107 Continuing Education Implementation

Sub-Chapter 22 reserved

Sub-Chapter 23

Unprofessional Conduct

Rule 24.189.2301 Representation Of Self And Services

Rules 24.189.2302 through 24.189.2304  
reserved

24.189.2305 Practice Of Psychology

Rules 24.189.2306 through 24.189.2308  
reserved

24.189.2309 Professional Responsibility

Rules 24.189.2310 through 24.189.2313  
reserved

24.189.2314 Relationships

Rules 24.189.2315 through 24.189.2317  
reserved

24.189.2318 Privileged Information And Records

#### Sub-Chapter 24

#### Complaint Procedures

Rule 24.189.2401 Complaint Procedure

Rules 24.189.2402 through 24.189.2404  
reserved

24.189.2405 Screening Panel

#### Sub-Chapter 1

#### Organizational Rule

24.189.101 BOARD ORGANIZATION (1) The board of psychologists hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-17-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2282.)

#### Sub-Chapter 2

#### Procedural Rules

24.189.201 PROCEDURAL RULES (1) The board of psychologists hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-17-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; AMD, Eff. 1/3/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2004 MAR p. 2282.)

24.189.202 PUBLIC PARTICIPATION RULES (1) The board of psychologists hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of Title 8. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; NEW, 1988 MAR p. 570, Eff. 3/25/88; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.203 and 24.189.204 reserved

24.189.205 BOARD MEETINGS (1) Officers of the board shall be elected by board members at the regular annual meeting of the board for a year until their successors are elected.

(2) Officers shall consist of a chairman, vice-chairman and secretary.

(3) The chairman shall ordinarily call meetings of the board, preside at meetings and perform such other duties as may be specifically assigned him by the board. In the absence or disability of the chairman, the vice-chairman shall conduct meetings and perform the other duties of the chairman as necessary.

(4) Meetings shall ordinarily be called by the chairman but any two members of the board may also call a meeting.

(5) The department, on the advice of the board, will prepare and mail an agenda to board members in advance.

(6) Special meetings may be called at any time deemed necessary by the board when members agree. Meetings may be by telephone and balloting by mail or telephone. (History: 37-17-202, MCA; IMP, 37-17-201, 37-17-202, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1997 MAR p. 538, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282.)

### Sub-Chapter 3

#### Definitions

24.189.301 DEFINITIONS As used in this chapter, the following definitions apply:

(1) "Defined professional relationship" means a relationship in which a licensee or license applicant provides diagnostic, assessment and/or therapeutic services to a client. A defined professional relationship shall be initially established in a context where services are provided:

(a) in person and face-to-face; or  
(b) transmitted via electronic or related methods. If provided under this subsection, the context must also be:

- (i) two-way;
- (ii) interactive;
- (iii) real-time;
- (iv) simultaneous;
- (v) continuous; and
- (vi) providing for both audio and visual interaction.

(2) "One year's academic residency" means 18 semester hours or 27 quarter hours earned on a full-time or part-time basis at the educational institution granting the doctoral degree.

(a) The residency must be accumulated in not less than nine months and not more than 18 months and must include student-to-faculty contact involving face-to-face (personal) group courses. Such educational meetings must:

- (i) include both faculty-to-student and student-to-student

interaction;

(ii) be conducted by the psychology faculty of the institution at least 90% of the time;

(iii) be fully documented by the institution; and

(iv) relate substantially to the program and course content.

(b) An internship requirement cannot be used to fulfill the academic year requirements of the residency.

(c) The institution must clearly document its assessment and evaluation of the applicant's performance. (History: 37-1-131, 37-17-202, MCA; IMP, 37-1-131, 37-17-101, MCA; NEW, 2003 MAR p. 307, Eff. 2/28/03, AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

#### Subchapter 4

#### General Provisions

24.189.401 FEE SCHEDULE (1) The department will collect the following fees, none of which are refundable:

(a) Application fee	\$175
(b) Renewal fee	250
(c) Oral examination fee	100
(d) Certificate fee	25
(e) Late renewal fee	100

(History: 37-1-134, 37-17-202, MCA; IMP, 37-17-302, 37-17-303, 37-17-306, 37-17-307, MCA; NEW, 1982 MAR p. 484, Eff. 3/12/82; AMD, 1983 MAR p. 1816, Eff. 12/16/83; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1993 MAR p. 2232, Eff. 10/1/93; AMD, 1995 MAR p. 354, Eff. 3/17/95; AMD, 1995 MAR p. 2143, Eff. 10/13/95; AMD, 1999 MAR p. 1125, Eff. 5/21/99; AMD, 2001 MAR p. 1742, Eff. 9/7/01; AMD, 2001 MAR p. 2154, Eff. 10/26/01; AMD, 2003 MAR p. 307, Eff. 2/28/03; TRANS, from Commerce, 2004 MAR p. 2282.)

24.189.402 FEE ABATEMENT (1) The board of psychologists adopts and incorporates by reference the fee abatement rule of the department of labor and industry found at ARM 24.101.301. (History: 37-1-131, 37-17-202, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2005 MAR p. 2464, Eff. 12/9/05.)

Rule 24.189.403 reserved

24.189.404 PREPARATION OF LICENSES (1) Licenses shall be numbered in the order in which they are awarded. Numbers that are revoked or retired shall not be reissued.

(2) Applicants who meet the standards for licensing as provided by the laws of the state of Montana shall receive a license appropriate for display in their office. (History: 37-17-202, MCA; IMP, 37-17-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.405 and 24.189.406 reserved

24.189.407 RENEWALS (1) At least one month (December 1) before the renewal date (January 1 of the following year), a renewal notice will be sent by the department to each certificate holder to the last address in the board's file. Failure to receive such notice shall not relieve the certificate holder of his obligation to pay renewal fees in such a manner that they are received by the department on or before the renewal date.

(2) A renewed license shall be valid for one year following the expiration date of the previously held license.

(3) The board reserves the right to allow renewal of a license after the time when renewal would normally have been required if the circumstances justify such action. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-17-306, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.408 through 24.189.410 reserved

24.189.411 USE OF TITLE (1) Persons who are not licensed under Title 37, chapter 17, MCA, may use certain titles in representing themselves to the public, as long as the titles clearly delineate the nature and the level of training. Such persons may use titles such as "psychological trainee," "psychological intern," and "psychological assistant," provided that such persons perform their activities under the direct supervision and responsibility of a licensed psychologist. Nothing in this section shall be construed to apply to any person other than:

(a) a matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;

(b) an individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the provisions of this Act.

(2) Individuals who have been certified as school psychologists by the office of public instruction may use the titles "school psychologist" or "certified school psychologist." Use of these titles shall restrict practice to employment within those settings under the purview of the state board of education. (History: 37-1-131, 37-17-202, MCA; IMP, 37-17-104, 37-17-301, MCA; NEW, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1997 MAR p. 637, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.412 and 24.189.413 reserved

24.189.414 NON-RESIDENT PSYCHOLOGICAL SERVICES (1) Non-resident consulting psychological services defined in 37-17-104(4), MCA, may be rendered to individuals, groups, corporations or the public for compensation or fee.

(2) To provide such services and engage in such activities in the state of Montana, a psychologist duly licensed in the state of his residence shall file with the board a completed and notarized form provided by the board, stating the nature, location and duration of said services that exceed 10 days within any calendar year. Notification shall be provided to the board each year non-resident psychological services are rendered.

(3) A letter verifying termination of said services shall be filed with the board at the time of termination. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-17-104, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Sub-Chapter 5 reserved  
Subchapter 6

Licensure

24.189.601 APPLICATION PROCEDURES (1) Applications for licensure when properly filled out by the applicant must provide the board with that information necessary to ascertain whether or not the applicant meets the requirements of the law as to education and experience. Application forms must reflect satisfactorily the requirements of Montana law.

(a) Persons seeking licensure must apply on the board's official forms which may be obtained through the department.

(b) Completed applications shall be delivered to the department, accompanied by the application fee, at least 90 days in advance of the examination dates.

(c) Applicants will be notified in writing of any deficiencies in their applications. If the requested information is not received by the board to remedy such deficiencies within six months of the date of the written notice, the application shall be deemed to have been withdrawn.

(2) A completed application file consists of the following:

- (a) a completed and notarized application form;
- (b) transcripts of all graduate work completed;
- (c) program and course descriptions from the official college catalog(s);
- (d) three work samples;
- (e) a copy of a self-query of the national practitioner data bank; and
- (f) completed reference forms from a minimum of five references attesting to the applicant's good moral character.

(3) Work samples must be written examples of recent work (within two years of application date), at least two of which must be psychological evaluations. The purpose of the evaluations is to demonstrate competence in history taking, administration and interpretation of formal tests of intelligence, and administration and interpretation of objective



and projective tests of personality. Tests utilized must be those widely recognized and respected in the practice of psychology. Projective testing will include projective techniques, at least one of which is a rorschach or an apperception test. Each of the two evaluations must include the integration and interpretation of history taking, intelligence testing, and personality testing leading to an appropriate diagnosis and recommendations. Evaluations must also demonstrate competence in formulating appropriate diagnoses using the five axes specified in the diagnostic and statistical manual of mental disorders (DSM) as well as making appropriate recommendations. Work samples do not include newspaper or other similar articles or publications. All identifying information must be removed from work samples submitted to the board. Questions regarding the work samples may be included in the oral examination and candidates may be requested to present the raw data upon which their work samples were based.

(4) Reference forms must be from people familiar with the quality of the applicant's education and work experience. At least three of the references must be licensed psychologists and may be members of the American psychological association.

(5) The board shall examine the transcript of every applicant to determine whether degrees were awarded by an accredited institution of higher learning with adequate course study in psychology as defined in ARM 24.189.604.

(6) The board will consider the acceptability of the professional experience presented by the applicant for consideration in keeping with ARM 24.189.607.

(7) When the application file is complete and acceptable, the applicant will be notified in writing as to the time and place of the examination. It shall be the duty of the applicant to inform the department when it is not feasible to appear at the time and place stated for the examination.

(a) If a candidate is scheduled for the examination a second time and does not appear, without legitimate excused reasons, he may lose his eligibility for the examination.

(b) When the application file is complete and acceptable, the board shall notify an applicant who is licensed in another state or province and who is now a resident of Montana that the applicant is allowed to practice as a psychologist pursuant to 37-17-104(5), MCA, pending satisfactory completion of the next board oral exam for which the applicant is eligible. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-17-302, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1993 MAR p. 2232, Eff. 10/1/93; AMD, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2001 MAR p. 1742, Eff. 9/7/01; AMD, 2003 MAR p. 307, Eff. 2/28/03; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2005 MAR p. 1294, Eff. 7/15/05.)

Rules 24.189.602 and 24.189.603 reserved

24.189.604 MINIMUM STANDARDS (1) A doctorate degree qualifies under 37-17-302(2)(c)(iii), MCA, if it is obtained

from a psychology program which meets the following criteria:

(a) Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

(b) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(c) The psychology program must stand as a recognizable, coherent organizational entity within the institution.

(d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(e) The program must be an organized sequence of study planned by those responsible for the training program to provide an integrated education experience appropriate to the professional practice of psychology.

(f) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(g) The program must have an identifiable body of students who are matriculated in that program for a degree.

(h) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study with a minimum of one year's residency at the educational institution granting the doctoral degree. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of these four substantive content areas:

(i) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion.

(iii) Social bases of behavior: social psychology, group processes, organizational and systems theory.

(iv) Individual differences: personality theory, human development, abnormal psychology.

(v) In addition, the person's training program must include: adequate training in psychodiagnosis, psychological assessment and intervention procedures. Training must provide skills which encompass several types of assessment and intervention procedures, rather than being restricted to a single type. The applicant must be familiar with major assessment and intervention techniques and their theoretical bases.

(A) The training program shall include at least 60 quarter

hours or 40 semester hours of formal graduate study in psychology. The achievement in each course shall have been satisfactory and the instruction shall have been provided in the regular graduate psychology program of a regionally accredited degree-granting institution. The number of university extension credits that may be credited toward the requirement for the doctoral degree shall not exceed 15 quarter hours (10 semester hours).

(B) Of the 60 quarter hours the doctoral program in psychology shall include at least 45 quarter hours (30 semester hours) of course work clearly designated on the university transcript as a graduate level psychology course, exclusive of practicum and dissertation credits and exclusive of transfer credits. The above 45 quarter-hour credits shall be taken during the period in which the applicant is matriculated in the doctoral program. The doctoral program shall include examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the student.

(C) The major emphasis of the doctoral program shall be in applied areas such as clinical psychology, counseling psychology, school psychology or industrial-organizational psychology. The training also must include a set of coordinated practicum, which total at least three terms (two semesters) in the practicum setting.

(D) Training programs should provide a variety of faculty (staff) role models and be relatively stable (e.g., continuity of funding and staff).

(E) A responsibility which all programs share is to convey to students values of professional ethics and scientific responsibility and integrity. This includes principles of professional ethics with regard to the use of both assessment and intervention techniques and with regard to the confidentiality of interviews and records. Ethical principles such as those pertaining to research with human subjects, extent of obligations to parents and to institutions, and the nature and consequences of the psychologist's concern for human welfare should also be conveyed to students. (History: 37-1-131, 37-17-202 and 37-17-302, MCA; IMP, 37-17-302, MCA; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1999 MAR p. 211, Eff. 1/29/99; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.605 and 24.189.606 reserved

24.189.607 REQUIRED SUPERVISED EXPERIENCE (1) Acceptable experience must involve the practice of psychology and must have been performed competently at a professional level in order to be considered satisfactory in scope and quality. Experience limited to essentially repetitious and routine tasks at the pre-professional level will not be accepted, e.g., administering and scoring structured tests, as in a practicum course, computing statistics, assisting an instructor in psychology courses or personal therapy. Such experiences are primarily preparatory to the practice of psychology. No experience of any kind gained prior to the completion of all requirements for the master's

degree in psychology or its equivalent applies to the provisions of this Act. Satisfactory examples of professional experience include tasks which depend upon the application of skills, concepts, and principles made available during the applicant's formal professional education. Examples of these types of activities include: administering and interpreting psychological tests, providing clients or patients assistance in solving their professional or personal problems, designing original research projects, analyzing and reporting research data, and teaching a course in psychology.

(2) The work described in (1) above should have been done throughout the year under the face-to-face (personal) supervision of a licensed psychologist with training and experience equivalent to that required by the state of Montana for licensing, who is experienced and competent in the skills and knowledge in which the applicant is engaged. Such supervision should have been conducted according to standards at least equivalent to those described in these rules, that the supervision be for at least a minimum of one hour per week throughout the year of experience. Teleconferencing, which allows visual and oral contact via technology, may be allowed upon written request and prior board approval, when unusual circumstances so require.

(3) The term "year" shall mean a calendar year, including leaves for vacation with pay during which the individual was engaged in employment on a full-time basis.

(a) In case of full-time employment, the work schedule in the employing agency, clinic, institution, or organization shall be for a calendar year, meaning that work will be during consecutive months.

(b) In the case of part-time employment, credit for such periods of employment shall be calculated by the calendar month or year according to 1-1-301, MCA, in such manner that the number of hours actually worked per week will be divided by 40, and the resulting fraction shall be applied to the number of calendar months of employment reported to determine the number of months to be credited to the applicant. Example: applicant employed from July 1, 1970 through October 31, 1971 on an average of 20 hours per week, total period - 16 months at one-half time. Applicant is credited with eight months of experience.

(4) Qualified professional experience may include one calendar year of supervised experience after the master's degree and must include at least one calendar year post-doctoral. One year may be an internship in an approved training program for the Ph.D. in clinical psychology; the post-doctoral year is figured from the time of completion of all requirements for the doctoral degree. Such time of completion may be established by communication from an appropriate institutional official, ordinarily, the registrar or the dean of the graduate school.

(5) Individual solo private practice shall not be considered as acceptable professional experience for purposes of the experience requirement.

(6) An acceptable post-doctoral training setting shall

have two other licensed mental health professionals participating in the provision of training of the candidate, and approved by the board, in addition to the licensed psychologist supervisor. The supervisee must be a salaried employee receiving both administrative and clinical supervision from the supervisor.

(7) A person who holds a doctorate in psychology and wishes to gain a year of post-doctoral supervised experience acceptable to the board, must submit a form provided by the board, indicating an agreement, acceptable to the board, between the holder of the doctorate degree and the supervisor, certifying the existence of a supervisory relationship as defined in (1), (2), (3), (4) above for a specified period when the doctorate level person will be working under supervision. In this case, work considered relevant to subsequent practice of psychology shall be assessed and criticized constructively; in this sense "supervision" is differentiated from consultation.

(a) A diary or record of supervisory contacts shall be kept and submitted to the board in support of the experience. The diary shall provide dates of contact and sufficient detail to represent clearly the issues and problems discussed, but no material of a confidential nature shall be included.

(b) In the event the relationship is terminated, it is the responsibility of the applicant to request the supervisor to inform the board in writing of the effective date of the termination and the reasons for termination as well as indicate the nature and effectiveness of the applicant's response to such supervision.

(c) A licensed psychologist who is supervising and whose primary responsibilities are in another position, should not supervise more than three supervisees at any one time.

(d) All psychological reports or other professional opinions rendered by persons engaging in psychological activities without a license under these rules shall be countersigned by the licensed psychologist acting as their supervisor or the legally responsible person designated by the organization in which such work is done.

(e) The board shall indicate in writing the acceptability of the proposal.

(f) A licensed psychologist who is supervising shall not be involved in a dual relationship with the supervisee, which would compromise the supervisory relationship, e.g. related by marriage, immediate family, business partnership, etc. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-17-302, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1994 MAR p. 389, Eff. 2/25/94; AMD, 1995 MAR p. 354, Eff. 3/17/95; AMD, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.608 and 24.189.609 reserved

24.189.610 EXAMINATION (1) The applicant will be notified of the examination time schedule at least two weeks in

advance. This examination schedule will establish: time(s), place(s), the amount of the examination fee and other pertinent information and/or instructions.

(2) The board shall determine the subject matter and scope of specialized psychological areas and techniques for the examination. Examinations will be a computerized national examination and an oral examination. These will be conducted by the board or its duly-constituted representative(s). The computerized examination developed by the national licensing program with the support of the association of state and provincial psychology boards may be given.

(a) The acceptable level of performance on the computerized examination shall be a scaled score of 500.

(b) The acceptable level of performance on the national written examination previously administered by the board shall be 70%.

(3) Oral examinations shall include such matters as professional ethics for the purpose of determining the applicant's competence to conduct himself in a professional manner and to probe his knowledge and judgement. The examination shall be scored on a 5-point scale: 5 (excellent), 4 (good), 3 (fair), 2 (poor), 1 (very poor). A mean score of three derived from the ratings of all examiners is required for passing. Candidates must have a mean of three based on total points divided by the number of scales evaluated. Additionally, they cannot have a mean of two or less on any one scale they are evaluated on. Oral examinations for candidates shall include, but not be limited to, questions in the following areas:

- (a) psychopathology and diagnosis;
- (b) assessment;
- (c) ethics;
- (d) Montana mental health law;
- (e) psychotherapy;
- (f) previously submitted work samples.

(4) Applicants shall be informed of the results of the examination by the department. All applicants who pass shall be considered licensed if they have met all other requirements. The department shall transmit the board's decision in writing to applicants and, when appropriate, inform them of their right to appeal. Reasons for actions shall be specified. The communication shall be sent to the last known address of the applicant by mail.

(5) Applicants who fail the computerized examination will be required to retake both the computerized and oral examinations. Applicants failing the oral examination once will only be required to retake the oral examination. Applicants who fail the computerized or oral examinations twice shall, in addition to being retested, file in advance a statement regarding arrangements for securing further professional training and experience. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-17-303, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1993 MAR p. 2232, Eff. 10/1/93; AMD, 1999 MAR p. 211, Eff. 1/29/99; AMD,

2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.611 through 24.189.619 reserved

24.189.620 LICENSEES FROM OTHER STATES OR CANADIAN JURISDICTIONS (1) Except as provided in (2), applicants licensed in another state or Canadian jurisdiction and seeking licensure under this rule shall provide information for the board to consider in determining whether the qualifications of the applicant are substantially equivalent to or greater than the current requirements of the state of Montana and whether to waive the written examination requirement. Applicants shall provide information regarding:

(a) the licensure requirements of such state or jurisdiction in place at the time the applicant obtained the license or certificate;

(b) a copy of a self-query of the national practitioner data bank;

(c) the composition and requirements of the applicant's prior licensing examination(s); and

(d) any additional information the board may require.

(2) An applicant will be deemed to have met the substantial equivalency requirements of (1) if the applicant:

(a) provides the board with a copy of the response to the applicant's self-query of the national practitioner data bank;

(b) has obtained a minimum required national examination score of either:

(i) a scaled score of 500 on the national computerized examination; or

(ii) a 70% on the national written examination previously administered by the board; and

(c) either:

(i) is currently credentialed as a health service provider in psychology by the national register of health service providers in psychology; or

(ii) holds a current certificate of professional qualification (CPQ) in psychology issued by the association of state and provincial psychology boards (ASPPB).

(3) "License" or "certificate" means those granted by other states or Canadian jurisdictions under statutory provision.

(4) Applicants shall submit completed and notarized applications, on forms prescribed by the board, including all required fees and documentation.

(5) All applicants for licensure under this rule shall be required to pass an oral examination. (History: 37-1-131 and 37-17-202, MCA; IMP, 37-1-304 and 37-17-304, MCA; Eff. 12/31/72; AMD, Eff. 1/5/74; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1994 MAR p. 389, Eff. 2/25/94; AMD, 1997 MAR p. 538, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2005 MAR p. 1294, Eff. 7/15/05.)

Rules 24.189.621 through 24.189.624 reserved

24.189.625 LICENSURE OF FOREIGN-TRAINED PSYCHOLOGISTS

(1) Foreign-trained applicants shall fulfill all requirements for licensure as stated in this chapter.

(2) In addition, foreign-trained applicants shall provide documentation of receipt of a doctoral degree in clinical psychology with educational standards substantially equivalent to those established by a graduate program approved by the American psychological association, as evidenced by the evaluation of educational credentials by the national register of health service providers in psychology, inc., 1120 G Street NW, Suite 330, Washington, DC, 20005, [www.nationalregister.org](http://www.nationalregister.org). A fee is required by this service and shall be paid by the applicant. Final approval of the substantial equivalence of the educational standards lies with the board.

(3) Foreign-trained applicants shall provide proof of either:

(a) successful completion of a college undergraduate program taught in the English language. Official notice of such completion shall be submitted to the board directly from the registrar, dean or provost of the undergraduate institution; or

(b) for applicants who received their undergraduate degree from a program not taught in English, evidence of successful completion of and a minimum score of level 8 on the international English language testing system (IELTS) English proficiency examination. (History: 37-1-131, 37-17-202, MCA; IMP, 37-1-131, 37-17-302, 37-17-309, MCA; NEW, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.626 through 24.189.629 reserved

24.189.630 LICENSURE AS A PSYCHOLOGIST BY EXPERIENCE

(SENIOR) (1) A license as a psychologist by experience (senior) in the state of Montana may be issued provided the applicant meets all of the following requirements:

(a) submits a certified copy of a transcript sent directly from the school documenting graduation with a doctoral degree;

(b) submits verification of current licensure as a psychologist and at least 20 years of licensure as a psychologist in a United States or Canadian jurisdiction(s). Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s);

(c) provides documentation of at least 10 years of clinical experience in the last 15 years prior to filing the application. This verification shall be on forms prescribed by the board, including specific dates, and shall consist of an employer's statement; or verification by two licensed psychologists (if in private practice); or a combination of both;

(d) pays any fees required by another jurisdiction(s) to provide official written verification that the licensee has never been disciplined, which will be requested by the Montana



board directly from the other state(s) or jurisdiction(s) and from the association of state and provincial psychology boards national psychologist data bank;

(e) submits a complete, notarized application form with the proper fees at least 90 days in advance of the April or October examination dates. Such application will include work samples and reference letters as described in ARM 24.189.601;

(f) passes the Montana oral examination. (History: 37-17-202, MCA; IMP, 37-17-307 and 37-17-310, MCA; NEW, 1996 MAR p. 151, Eff. 1/12/96; TRANS, from Commerce, 2004 MAR p. 2282.)

Sub-Chapter 7 reserved

Sub-Chapter 8

Parenting Plan Evaluations

24.189.801 ORIENTING GUIDELINES (1) The purpose of parenting plan evaluation regulations is to protect both the public, who are the consumers of psychological services, and the psychologists, who are the providers of services. These regulations intend to insure competency of the provider and consistency of the procedures in child custody proceedings pursuant to Title 40, chapter 4, MCA, termination of marriage, child custody, support.

(2) The purpose of a parenting plan evaluation is to determine to the extent possible, what is in the best interests of the child. The "fit" between each parent and the child or children is the central issue, not the psychological diagnosis of each parent or of each child. If a parent or child shows any relevant mental, cognitive, physical, or other disorder, the implications of that disorder for the best interest of the child must be addressed.

(3) Two different parents showing very similar personalities and parenting styles might affect two different children in essentially different ways. It cannot be assumed that qualities generally admired by the population at large are necessarily those that make the better parent, or are in the best interests of the child. For example, factors such as which parent has the most money, the most friends, the largest house, is the most religious, the most physically active, has the most education, is home the most, lacks a history of psychological diagnosis or treatment, and so on, may bear on the issue at hand, but are not the determining factors in and of themselves. How each factor supports the child's needs and well being, or detracts from the child's needs and well being, is a primary consideration. The intention of a parenting plan evaluation is to make a parenting recommendation that will support the child's development along the healthiest lines possible. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136, 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.802 and 24.189.803 reserved

24.189.804 ROLE OF THE PSYCHOLOGIST (1) In a parenting plan evaluation, the psychologist shall maintain an unbiased, impartial role. The client is the child, and recommendations must be made which are in the best psychological interests of the child. The psychologist shall clarify with all parties, attorneys, and the court the nature of the psychologist's role as an objective evaluator.

(a) The psychologist shall act as an impartial evaluator of the parties, assessing relevant information, and informing and advising the court and other parties of the relevant factors pertaining to the parenting issue.

(b) The psychologist shall remain impartial, regardless of whether the psychologist is retained by the court or by a party to the proceeding, and regardless of whom is responsible for payment.

(c) If circumstances prevent the psychologist from performing in an impartial role, the psychologist shall attempt to withdraw from the case. (See ARM 24.189.807)

(d) If the psychologist is not able to withdraw, the psychologist must reveal any factors that may bias the psychologist's findings and/or compromise the psychologist's objectivity.

(e) Communication with parents or attorneys must be conducted in such a manner as to avoid bias. The psychologist must exercise discretion in informing parties or their attorneys of significant information that is gathered during the course of the evaluation. The psychologist shall not communicate essential information to one party's attorney without also communicating the information to the other party's attorney, and to the guardian ad litem, if one is appointed. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.805 and 24.189.806 reserved

24.189.807 DUAL RELATIONSHIPS (1) The psychologist shall avoid dual relationships and other situations which might produce a conflict of interest when performing parenting plan evaluations.

(a) The psychologist shall not conduct a parenting plan evaluation in a case in which the psychologist has served or can reasonably anticipate serving in a therapeutic role for the child or the child's immediate family, or has had other significant involvement, e.g., social, personal, business, or professional, that may compromise the psychologist's objectivity.

(b) The psychologist may not accept any of the involved participants in the parenting plan evaluation as therapy clients, either during or after the evaluation.

(c) The psychologist who is asked to testify regarding a therapy client who is involved in a parenting plan case shall be aware of the limitations and possible biases inherent in such a

role and the possible impact on the ongoing therapeutic relationship. If required to testify, the psychologist may not give an expert opinion regarding parenting plan issues and shall limit the psychologist's testimony to factual issues. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.808 and 24.189.809 reserved

24.189.810    COMPETENCY    (1)    Psychologists performing parenting plan evaluations in Montana shall be licensed to practice in the state of Montana or meet the requirements for consultation in 37-17-104, MCA.

(2)    Psychologists performing parenting plan evaluations must comply with the board's rules regarding unprofessional conduct.

(3)    Psychologists may only perform parenting plan evaluations if they have acquired specialized training, education, and experience in the areas of psychological assessment of children and adults, child and family development, child and family psychopathology, and the impact of divorce on families. They shall acquire current knowledge regarding diverse populations, especially as it relates to child-rearing issues.

(4)    Psychologists may only operate within their areas of competence and shall seek appropriate supervision when necessary.

(5)    A psychologist must understand the construction/administration/interpretation of the test procedures the psychologist employs.

(6)    Psychologists must maintain current knowledge of scientific, professional, and legal developments within their area of claimed competence and use that knowledge, consistent with accepted clinical and scientific standards, in selecting current data collection methods and procedures for an evaluation.

(7)    Psychologists shall use multiple methods of data collection in a parenting plan evaluation.

(8)    The psychologist shall be aware of personal and societal biases and engage in nondiscriminatory practice. The psychologist shall be aware of how biases regarding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, culture and socioeconomic status may interfere with an objective evaluation and recommendations, and shall strive to overcome any such biases or withdraw from the evaluation.

(9)    Psychologists shall understand, clarify, and utilize the concept of the "best interests of the child" guideline as set forth in Title 40, chapter 4, MCA.

(10)   Psychologists shall maintain current knowledge of legal standards regarding parenting plans, divorce, and laws regarding abuse, neglect and family violence. Psychologists shall also understand the civil rights of parties in legal

proceedings in which they participate, and manage their professional conduct in a manner that does not diminish or threaten those rights.

(11) Psychologists shall recognize and state any limitations of their assessments and reports.

(12) Psychologists shall not render diagnoses or form an expert opinion about any party not personally evaluated and may not make parenting plan recommendations when both parents and children have not been personally evaluated by the psychologist. In situations where all parties cannot be evaluated, psychologists shall limit recommendations and opinions to individuals evaluated and shall avoid making recommendations regarding placement and visitation. (History: 37-1-131, 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.811 and 24.189.812 reserved

24.189.813 LIMITS OF CONFIDENTIALITY (1) Psychologists shall inform all participants, including parents, children when feasible, other family members, and third party contacts such as teachers, physicians, and child care providers, as to the limits of confidentiality which can be expected with regard to any information they may provide to the psychologist over the course of the evaluation. This includes the limits of confidentiality applicable to the general practice of psychology, such as a duty to warn in instances of possible imminent danger to a participant or to others, or legal obligations to report suspected child or elder abuse, and also exceptions to confidentiality stemming from the specific requirements of a parenting plan evaluation, including:

(a) the potential need to disclose information provided by any participant to other participants, in order to obtain accounts of circumstances pertinent to the issues being evaluated;

(b) the expectation of disclosure of relevant information provided by individual participants to the attorneys involved in the case, to the court, and to the guardian ad litem, if one has been appointed; and

(c) the likely disclosure of the psychologist's findings, professional opinions and recommendations regarding the resolution of contested matters which fall within the scope of the evaluation to parents, their attorneys, the court, and any other party, such as a guardian ad litem.

(2) Psychologists shall obtain written waivers of confidentiality from the parents who are participating in the evaluation, encompassing all disclosures of information to other persons, including other participants in the evaluation, attorneys, and the court.

(3) Psychologists shall take reasonable precautions in their handling of children's disclosures of abuse, neglect or any other circumstances, when such disclosure may place the child at increased risk of physical or emotional harm. Psychologists shall also recognize the right of any person

accused of misconduct to respond to such allegations while placing the highest priority on the safety and well being of the child.

(4) Psychologists recognize that disclosures of statements by abused spouses may pose special risks to the safety and well being of persons who claim to be victims of domestic abuse. Prior to disclosure of such allegations to an alleged perpetrator or to other persons who may support, collude with, or otherwise increase the risk of abuse, the psychologist shall inform the alleged victim that the disclosure will take place. If appropriate, information will be provided as to available community resources for protection, planning, and personal assistance, and counseling for victims of domestic abuse.

(5) Psychologists shall provide judges, attorneys and other appropriate parties with access to the results of the evaluation, but make reasonable efforts to avoid the release of notes, test booklets, structured interview protocols and raw test data to persons untrained in their interpretation. If legally required to release such information to untrained persons, psychologists shall first offer alternative steps such as providing the information in the form of a report, or releasing the information to another psychologist who is qualified in the interpretation of the data and who will discuss or provide written interpretations of the data with the person(s) who are seeking the information.

(6) Psychologists shall not agree to requests by participants in a parenting plan evaluation that information shared with the psychologist be concealed. When such requests are made, the psychologist shall clarify the requirements of the evaluation as regards confidentiality, and may advise the participant to consult with the participant's attorney before proceeding with the evaluation. The psychologist must ultimately respect the right of any participant to withhold information from the evaluation. Whether the refusal to provide information should itself be made known to others, must be decided by the psychologist based on the relevance of such refusal to the issues before the court in the particular case at hand.

(7) Psychologists recognize the possibility that the need to disclose information obtained in the evaluation may limit the validity of data acquired during the evaluation by inhibiting the free and complete disclosure of information by participants. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.814 through 24.189.816 reserved

24.189.817 DISCLOSURE AND INFORMED CONSENT

(1) Psychologists shall obtain informed consents from parents involved in parenting plan evaluations and, to the extent feasible, inform children of significant aspects of the evaluation, prior to conducting interviews, testing or other data-gathering procedures. Disclosure of information to the

parents shall include a thorough explanation of all major aspects of the evaluation, including:

(a) a general review of the purpose, nature, methods, scope and limitations of a parenting plan evaluation, and the potential impact of the evaluation on the outcome of litigation;

(b) clarification as to who has requested the evaluation and who will receive verbal or written feedback as to the results and recommendations;

(c) the nature of data to be collected and potential uses to which that data will be put, including data from psychological testing and structured interview protocols;

(d) the methods of assessing and collecting fees for professional services, including specification of who will be financially responsible for the evaluation, expectations as to timing of payments, and policies related to the collection of unpaid fees, and;

(e) the nature and limits of confidentiality, both as generally applicable to psychological services and as required by the nature of the evaluation. (See 24.189.813)

(2) Psychologists shall inform the parents of the above elements and offer each parent the opportunity to discuss the proposed evaluation with an attorney before proceeding. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.818 and 24.189.819 reserved

24.189.820 COLLECTION AND USE OF DATA (1) The psychologist shall use generally accepted standards for the collection and use of data.

(2) In evaluating alternative hypotheses, psychologists shall include data from several different sources and of several different types, such as interviews, testing, observations of interactions, questionnaires, and record reviews. The psychologist shall be prepared to specify the reasons for collecting each kind of data and how it relates to the child's best interests.

(3) As data are collected, the psychologist must keep comprehensive and detailed records. All raw data, which might include test forms, handwritten notes, scribbles in margins, records of telephone conversations, observations of parent-child interaction, observations of parent-parent interaction, consultations with other professionals, any audio or video tapes made, and so on, must be saved and made available for review, if necessary.

(4) Data that are not objective should not be treated as though they are. The psychologist shall attempt to corroborate or rule out allegations that either parent has behaviors that affect the child detrimentally. If the psychologist is not able to form a clear opinion based on objective data or data verified by multiple sources, the psychologist should state this fact. If appropriate, the psychologist may offer a method by which further data along any dimension might be gathered, for example,

recommending that a child meet with a therapist over time, that a parent undergo drug and alcohol assessment, and so on.

(5) If issues affecting what is in the child's best interest arise and cannot be investigated due to the limited scope of the evaluation as imposed by the court or an agency, the psychologist shall report those issues to the parents, their attorneys, and the court. If issues arise that the psychologist does not have the expertise to investigate or form an opinion on, another psychologist or specialist who does have the required expertise should be brought in to address that issue. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136, 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.821 and 24.189.822 reserved

24.189.823 DOCUMENTATION (1) When psychologists complete a parenting plan evaluation, they shall produce a written report of the findings and recommendations.

(2) Psychologists shall retain all items presented to them or a copy thereof that are used for consideration in formulating a professional opinion (e.g., videos, photos, etc.) as well as a copy of the final report.

(3) Psychologists shall maintain clear and complete records.

(4) Psychologists shall retain all releases of information signed by the parties.

(5) Psychologists shall maintain adequate documentation of their contacts with clients and of the clinically significant information derived from these contacts.

(6) Psychologists shall create and maintain documentation of all data that form the basis for their conclusions, in the detail and quality that would be consistent with reasonable scrutiny in an adjudicative forum.

(7) Psychologists shall make clear, to all parties, that the report may be altered at any time by the psychologist until the final decision of the court is made.

(8) Psychologists shall make a reasonable effort to ensure that the court, attorneys, parents, and guardian ad litem, if any, receive the report at the same time.

(9) Psychologists shall recognize that all items in the case file, other than copies of tests, raw test data, and computer-generated interpretive reports may be brought into the courtroom.

(10) Psychologists shall recognize that all parenting plan evaluations and reports are highly sensitive material and discretion is necessary. (History: 37-1-131 and 37-1-136, MCA; IMP, 37-1-136 and 37-17-202, MCA; NEW, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282.)

Sub-Chapters 9 through 20 reserved

Sub-Chapter 21

## Continuing Education

24.189.2101 CONTINUING EDUCATION REQUIREMENTS (1) In accordance with 37-17-202, MCA, the Montana board of psychologists hereby establishes requirements for the continuing education of licensed psychologists as a condition of license renewal.

(2) The board/staff will not preapprove continuing education programs or sponsors. Qualifying criteria for continuing education are specified in these rules. It is the responsibility of the licensee to select quality programs that contribute to his/her knowledge and competence which also meet these qualifications.

(3) A continuing education activity must meet the following criteria:

(a) The activity must have significant intellectual or practical content. The activity must deal primarily with substantive psychological issues, psychological skills or laws or rules and ethical standards related to one's role as a psychologist. In addition, the board may accept continuing education activities from other professional groups or academic disciplines if the psychologist demonstrates that the activity is substantially related to his or her role as a psychologist. The following are examples of activities that typically do not qualify for continuing education credit:

- (i) management of a professional practice;
- (ii) investments;
- (iii) marketing;
- (iv) profitability of the practice;
- (v) office organization;
- (vi) management;
- (vii) legislative issues;
- (viii) peer review;
- (ix) general, non-specific supervision;
- (x) general staffing; and
- (xi) consultation, except if presented in a study group.

(b) The activity itself must be conducted by an individual or group qualified by practical or academic experience.

(c) All approved formal continuing education courses must issue a program or certificate of completion containing the following information:

- (i) full name and qualifications of the presenter;
- (ii) title of the presentation attended;
- (iii) number of hours and date of each presentation attended;
- (iv) description of the presentation format; and
- (v) name of licensee.

(d) It is the responsibility of the licensee to establish and maintain detailed records of continuing education compliance for a period of three years following submission of a continuing education report. (History: 37-1-319, 37-17-202, MCA; IMP, 37-1-306, MCA; NEW, 1992 MAR p. 558, Eff. 3/27/92; AMD, 1997 MAR p. 538, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282.)



Rules 24.189.2102 and 24.189.2103 reserved

24.189.2104 CONTINUING EDUCATION PROGRAM OPTIONS

(1) Acceptable continuing education may be chosen from (a), (b) or (c) below. No more than 20 of the total continuing education units required can be met by (b) and up to 15 continuing education units can be met by (c).

(a)(i) Any American psychological association approved continuing education activity or program for psychologists that meets ARM 24.189.2101(3)(a) through (c) above will qualify for continuing education credit.

(ii) Credit may be given for workshops and other educational activities offered at professional conferences and conventions sponsored by the American psychological association and its affiliates if the content of such presentations meets the standards established by ARM 24.189.2101(3)(a) through (c) above. General business meetings do not qualify.

(iii) Any other specific activities, i.e. audio tapes or conference/workshops, meeting requirements of ARM 24.189.2101(3)(a) through (c) above will qualify for continuing education credit.

(b)(i) Documentation of successful completion of an advanced credential requiring extensive preparation of work samples, research, oral examination, e.g. ABPP, may be submitted in fulfillment of no more than 20 continuing education units.

(ii) Study groups may qualify for continuing education if:

(A) The psychologist submits with the continuing education form an explanation of the applicability of the study topic to the psychologist's practice in order to demonstrate the relevance of the study or case material and to substantiate that the material meets the requirements of continuing education.

(B) The psychologist provides the specific date and time for each study group session submitted for continuing education credit.

(C) At least three other psychologists or mental health professionals attend the activity.

(D) Minutes are kept of each study group meeting and are available to the board of psychologists upon request. The minutes shall include the names of the participants present, the subject matter and references which relate to any written material utilized. Each such group shall designate an individual to serve as the recorder of the minutes. The name of the recorder shall be noted on the continuing education form.

(iii) Formally organized classes, with preassigned credit and attendance verifiable by transcript, offered under the auspices of regionally accredited institutions of higher education that meet criteria specified in ARM 24.189.2101(3)(a) and (b) above.

(iv) The following professional activities that meet criteria specified in ARM 24.189.2101(3)(a) and (b) above may be submitted in fulfillment of no more than 10 continuing education units:

(A) Initial presentation of a meeting paper or poster presentation or workshop in the field of psychology based on

thorough review of the literature, and including theoretical ideas, with application to clinical work. One hour of continuing education will be credited for each hour of presentation. In addition, one hour of continuing education will be credited for preparation for each hour of presentation;

(B) Publication of a review paper or a formal theoretical paper in a refereed journal in the field of psychology;

(C) Carrying out a research project reported in publishable form;

(D) Teaching a formally organized class in psychology or related subjects which meets the criteria specified in ARM 24.189.2101(3)(a);

(E) Formal case presentation in a group setting (e.g. grand rounds), properly documented and conducted by appropriately credentialed and/or licensed professionals.

(c) No more than 15 continuing education units personal growth activities that meet the following criteria:

(i) individual psychotherapy that:

(A) is obtained in a formal setting.

(B) conducted by a certified or licensed professional.

(C) has a fee charged for services rendered.

(D) is documented by stating the number of contact hours on the professional's letterhead.

(ii) group therapy that:

(A) has group meetings in a formal setting.

(B) has a qualified professional for a facilitator.

(C) has a fee charged for services rendered.

(D) is documented by stating the number of contact hours on the professional's letterhead.

(iii) Specific supervision that:

(A) is obtained in a formal setting.

(B) is conducted by a certified or licensed professional.

(C) has a fee charged for services rendered.

(D) is documented by stating the number of contact hours on the professional's letterhead. (History: 37-1-306, 37-1-319, 37-17-202, MCA; IMP, 37-1-306, 37-17-202, MCA; NEW, 1992 MAR p. 558, Eff. 3/27/92; AMD, 1997 MAR p. 538, Eff. 3/25/97; AMD, 1998 MAR p. 927, Eff. 4/17/98; AMD, 1999 MAR p. 211, Eff. 1/29/99; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2105 and 24.189.2106 reserved

24.189.2107 CONTINUING EDUCATION IMPLEMENTATION (1) One continuing education credit will be granted for each hour of participation in the continuing education activity.

(2) A licensed psychologist must earn at least 40 continuing education credits during two consecutive calendar years. Continuing education activities and courses taken after January 1, 1991, will be accepted by the board of psychologists. Continuing education credit shall be reported as follows:

(a) Commencing on or before December 31, 1992, licensees with even-numbered licenses shall submit 20 hours of continuing education credit on their license renewals. Thereafter, licensees with even-numbered licenses shall submit 40 hours on

or before December 31 of each even-numbered calendar year. Licensees in this category will not report continuing education on the odd-numbered years but must renew their licenses each year.

(b) Commencing on or before December 31, 1993, licensees with odd-numbered licenses shall submit 40 hours continuing education credit on or before December 31 of each odd-numbered calendar year. Licensees in this category will not report continuing education on the even-numbered years but must renew their licenses each year.

(c) No continuing education is required for licensees licensed less than one full calendar year on their first reporting date. Licensees licensed less than two full calendar years on the first reporting date shall submit 20 hours of continuing education.

(d) All licensed psychologists must either submit attestation to the board on the appropriate year's license renewal that they have obtained the required continuing education or submit a plan to complete the continuing education credits. The board will review these renewals and, if appropriate, notify the licensee regarding his/her noncompliance. Prior to the next consecutive year's license renewal, those licensees who have not complied with continuing education requirements will be referred to the board screening panel for possible disciplinary action. Those not receiving notice from the board regarding their continuing education should assume satisfactory compliance. Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete delinquent continuing education plan requirements for licensure can be used to meet the continuing education requirements for the next continuing education reporting period.

(e) If a licensee is unable to acquire sufficient continuing education credits to meet the requirements, he or she may request an exemption. All requests for exemptions will be considered by the board of psychologists and evaluated on an individual basis.

(f) The board will randomly audit 50% of the licensees attesting to continuing education in addition to all licensees requiring a plan. Certificates of completion or programs for continuing education credits reported must be submitted upon request of the board. Any continuing education noncompliance determined by the audit may be handled by the board as a disciplinary matter. (History: 37-17-202, MCA; IMP, 37-1-131, 37-17-202, MCA; NEW, 1992 MAR p. 558, Eff. 3/27/92; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2005 MAR p. 2464, Eff. 12/9/05.)

Subchapter 22 reserved

Sub-Chapter 23

Unprofessional Conduct

24.189.2301 REPRESENTATION OF SELF AND SERVICES (1) In representation of self or services, a licensee:

(a) shall display the psychologist's current license to practice psychology on the premises of the professional office;

(b) shall not represent him/herself as a psychologist while the practitioner's license is currently suspended, revoked or not renewed;

(c) shall not use fraud, misrepresentation or deception in obtaining a psychology license, in passing a psychology licensing examination, in assisting another to obtain a psychology license or to pass a psychology licensing examination;

(d) shall not aid or abet an unlicensed person in misrepresenting the person's professional credentials or in practicing when a license is required, or otherwise illegally engaging in the practice of psychology;

(e) shall not promote the use of psychological assessment techniques by unqualified persons;

(f) shall not use fraud, misrepresentation or deception in billing clients or third party payors, in providing psychological services, in reporting the results of psychological evaluations or services or in conducting any other activity related to the practice of psychology.

(2) In regard to advertising, a licensee or license applicant:

(a) shall not engage in advertising that is false, fraudulent or misleading;

(b) shall identify paid advertisements as such, unless it is already apparent from the context;

(c) shall not solicit testimonials from current psychotherapy clients, patients or other persons who, because of their particular circumstances, are vulnerable to undue influence;

(d) shall not induce a client to solicit business on behalf of the psychologist;

(e) shall take professional responsibility when engaging others to create or place public statements that promote their professional practice, products or activities.

(3) In regard to representation in the public arena, a licensee or license applicant:

(a) shall make reasonable efforts to prevent others whom they do not control (such as employers, publishers, sponsors, organizational clients and representatives of the print or broadcast media) from making deceptive statements concerning psychologists' practice or professional or scientific activities;

(b) shall make reasonable efforts to correct deceptive statements about their work or misuse of their work made by others;

(c) shall not compensate the press (radio, television or other communication media), or their employees, in return for publicity or a news item;

(d) shall not make public statements that are false,

deceptive, misleading or fraudulent (either by omission or commission) concerning licensee's research, practice or concerning other work activities or those of persons or organizations with which they are affiliated;

(i) As examples (and not in limitation) of this rule, psychologists shall not make false or deceptive statements concerning their:

(A) training, experience or competence;

(B) academic degrees;

(C) credentials;

(D) institutional or association affiliations;

(E) services;

(F) the scientific or clinical basis for, or results or degree of, success of their services;

(G) fees; or

(H) publications or research findings;

(e) shall, when providing advice or comment when a defined professional relationship does not exist, take reasonable precautions to ensure that the statements are based on appropriate psychological literature and practice. Furthermore, the psychologist shall take reasonable precautions to ensure that the recipient of such information does not infer that a defined professional relationship has been established with the psychologist personally;

(f) shall not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential psychotherapy patients or clients or other persons who, because of their particular circumstances, are vulnerable to undue influence. However, this does not preclude attempting to implement appropriate collateral contacts with significant others for the purpose of benefiting an already engaged therapy patient;

(g) shall not associate with, or permit the psychologist's name to be used in connection with, any services or products in such a way as to misrepresent the services or products, the degree of the psychologist's responsibility for the services or products, or the nature of the psychologist's association with the services or products. (History: 37-1-131, 37-1-319, 37-17-202, MCA; IMP, 37-1-131, 37-1-316, 37-17-101, MCA; NEW, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2302 through 24.189.2304 reserved

24.189.2305 PRACTICE OF PSYCHOLOGY (1) In regard to conduct in the integrity of the profession, a licensee:

(a) shall not create an unreasonable risk of physical or mental harm or serious financial loss to the client, such as malpractice or an act or acts below the standard of care for psychologists, whether actual physical or mental injury or harm was suffered by the client;

(b) shall not provide any services in the practice of psychology except those services within the scope of the licensee's education, training, supervised experience or

appropriate professional experience;

(c) shall not participate in activities in which it appears likely that the psychologist's skills or data will be misused by others, unless corrective mechanisms are available.

(2) In regard to disclosure and obligation to report, a licensee:

(a) shall disclose fees and confidentiality prior to initiating the defined professional relationship with clients, except in the case of a clinical emergency. Upon initiating the defined professional relationship there must be a discussion of the nature and anticipated course of contracted services, limitations of confidentiality and modalities of communication by which treatment is provided, and mandated reporting situations. When services rendered involve more than one interested party, the psychologist shall clarify the dimensions of confidentiality and professional responsibility to all participating parties;

(b) who has substantial reason to believe that there has been a violation of the statutes or rules of the board, shall so inform the board in writing. However, when the information regarding such violation is obtained in a defined professional relationship with a client, the psychologist shall report it only with the written permission of the client;

(c) shall, when initiating conjoint services to several persons who have a relationship (e.g. familial, communal or business), attempt to clarify which of the individuals are clients and the relationship the psychologist will have with each person. This clarification includes the role of the psychologist and the probable uses of the services provided or the information obtained;

(d) shall keep the client fully informed as to the purpose and nature of any evaluation, treatment or other procedures, and of the client's right to freedom of choice regarding services provided;

(e) shall not undertake research on human subjects without a study of the potential effects of the research on the subjects, and shall not undertake research on human subjects without full disclosure of risks to the subjects.

(3) In regard to judicial or disciplinary situations, a licensee or license applicant:

(a) shall cooperate with an investigation by:

(i) furnishing any papers or documents in the possession and under the control of the licensee, as per the appropriate health care records act;

(ii) furnishing in writing a full and complete explanation covering the matter contained in the complaint; and

(iii) responding to subpoenas issued by the board or the department, whether or not the recipient of the subpoena is the respondent in the proceedings.

(b) a psychologist shall not offer, undertake or agree to cure or treat disease or affliction by a secret method, procedure or treatment; nor shall the psychologist treat, operate or prescribe for any health condition by a method, means or procedure which the licensee refuses to divulge upon demand

from the board. (History: 37-1-131, 37-1-319, 37-17-202, MCA; IMP, 37-1-131, 37-1-316, 37-17-101, MCA; NEW, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2306 through 24.189.2308 reserved

24.189.2309 PROFESSIONAL RESPONSIBILITY (1) In regard to client welfare, a licensee:

(a) shall attempt to terminate a clinical or consulting relationship when it is reasonably clear to the psychologist that the client is not benefiting from it or is being harmed by continued service;

(b) shall not use relationships with clients to promote commercial enterprises of any kind for personal gain or the profit of an agency;

(c) shall not bill for services not directly performed for a client, unless there is an explicit agreement that permits this type of billing;

(d) shall take reasonable steps to avoid harming the psychologist's clients with whom there is a defined professional relationship, and to minimize harm where it is foreseeable and unavoidable;

(e) shall make reasonable efforts to plan for facilitating care in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability or relocation or by the client's relocation or financial limitations;

(f) shall, when entering into employment or contractual relationships, provide for orderly and appropriate resolution of responsibility for client care in the event the employment or contractual relationship ends, with paramount consideration given to the welfare of the client;

(g) shall make an appropriate referral of the client to another professional when requested to do so by the client;

(h) shall continue the defined professional relationship with the client until a relationship is established with the professional person to whom the client is referred or until the relationship has been terminated by mutual agreement. In situations where referral, consultation or other changes in the conditions of the treatment are indicated, and the client refuses referral, the psychologist shall carefully weigh the possible harm to the client, the psychologist and the psychologist's profession that might ensue from continuing the relationship.

(2) In regard to respect for others, a licensee:

(a) shall not exploit persons over whom they have supervisory, evaluative or other authority such as students, supervisees, employees, research participants or clients;

(b) who performs interventions or administers, scores, interprets or uses assessment techniques shall be familiar with the reliability, validation and related standardization or outcome studies of, and proper applications and uses of, the techniques they use; and

(i) shall recognize limits to the certainty with which diagnoses, judgments or predictions can be made about individuals;

(ii) shall attempt to identify situations in which particular interventions or assessment techniques or norms may not be applicable or may require adjustment in administration or interpretation because of factors such as individuals' gender, age, race, ethnicity, national origin, religion, sexual orientation, disability, language or socioeconomic status;

(iii) shall, when offering assessment or scoring procedures to other professionals, accurately describe the purpose, norms, validity, reliability and applications of the procedures and any special qualifications applicable to their use;

(iv) shall ensure, unless the nature of the relationship is clearly explained to the person being assessed in advance and precludes provision of an explanation of results, that an explanation of the results is provided using language that is reasonably understandable to the person assessed or to another legally authorized person on behalf of the client;

(v) shall, regardless of whether the scoring and interpretation are done by the psychologist, by assistants or by automated or other outside services, take reasonable steps to ensure that appropriate explanations of results are given and adequate provisions are made for referring and counseling individuals when needed;

(c) when interpreting assessment results, including automated interpretations, shall take into account the various test factors and characteristics of the person being assessed that might affect psychologists' judgments or reduce the accuracy of their interpretations and indicate any significant reservations they have about the accuracy or limitations of their interpretations.

(3) In regard to conflict of interest, a licensee shall be concerned primarily with the welfare of any client involved and only secondarily with the interest of the psychologist's own professional group, when there is a conflict among professional workers.

(4) In regard to the therapeutic relationship, a licensee:

(a) shall provide psychological services for the purpose of diagnosis, assessment or treatment only in the context of a defined professional relationship. However, nothing in these rules precludes the provision of psychological services for crisis management or intervention even in the absence of a defined professional relationship;

(b) shall not prepare personnel reports and recommendations based on test data secured solely by mail unless such appraisals are an integral part of a continuing client relationship with a company;

(i) The reports shall not be embellished with detailed analyses of the subject's personality traits as would be appropriate only after intensive interviews with the subject;

(ii) The reports shall not make specific recommendations as to the employment or placement of the subject which go beyond



the psychologist's knowledge of the job requirements of the company;

(iii) The reports shall not purport to eliminate the company's need to carry on other regular employment or personnel practices such as appraisal of the work history, checking of references or past performance in the company.

(c) shall not undertake or continue a defined professional relationship with a client when the psychologist is, or could reasonably be expected to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If such a condition develops after a defined professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination and shall assist the client in obtaining services from another professional;

(d) shall give a truthful, understandable and appropriate account of the client's condition to the client or to those responsible for the care of the client;

(e) shall make assessments, recommendations, reports and psychological diagnostic or evaluative statements based on information and techniques (including personal interviews of the individual when appropriate) sufficient to provide appropriate substantiation for their findings;

(f) shall refrain from releasing raw test results or raw data to persons, other than to clients as appropriate, who are not qualified to use such information.

(5) In regard to education, a licensee:

(a) shall present psychological information accurately and with a reasonable degree of objectivity, when engaged in teaching or training;

(b) shall not teach the use of techniques or procedures that require specialized training, licensure or expertise, including, but not limited to, hypnosis, biofeedback and projective techniques, to individuals who lack the prerequisite training, legal scope of practice or expertise;

(c) shall establish an appropriate process for providing feedback to students and supervisees in academic and supervisory relationships;

(d) shall evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

(6) In regard to supervision, a licensee:

(a) shall adequately supervise auxiliary staff to ensure that the client's mental or physical health or safety is not at risk;

(b) shall delegate to their employees, supervisees and research assistants only those responsibilities that such persons can reasonably be expected to perform competently, on the basis of their education, training or experience, either independently or with the level of supervision being provided.

(7) In regard to forensic activities, a licensee:

(a) shall not render a formal professional opinion about the psychological and emotional characteristics of an individual without direct and substantial professional contact with or a

formal assessment of that person, for example, about the fitness of a parent in a custody hearing. (History: 37-1-131, 37-1-319, 37-17-202, MCA; IMP, 37-1-131, 37-1-316, 37-17-101, MCA; NEW, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2310 through 24.189.2313 reserved

24.189.2314 RELATIONSHIPS (1) In regard to multiple relationships, a licensee:

(a) shall not undertake or continue a defined professional relationship with a client when the objectivity of the licensee is impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client or a relevant person directly associated with or related to the client.

(2) In regard to sexual relationships, a licensee:

(a) shall not accept as clients persons with whom they have engaged in sexual intimacies;

(b) shall not engage in sexual intimacies with current clients;

(c) shall not engage in sexual intimacies with a former client for at least two years after termination of professional services. The licensee who engages in such activity after the two years following termination of professional services bears the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including:

(i) the amount of time that has passed since professional services terminated;

(ii) the nature and duration of the professional services;

(iii) the circumstances of termination;

(iv) the client's personal history;

(v) the client's current mental status;

(vi) the likelihood of adverse impact on the client; and

(vii) any statements or actions made by the licensee during the defined professional relationship suggesting or inviting the possibility of post termination sexual or romantic relationship with the client.

(3) In regard to bartering, the licensee:

(a) shall not participate in bartering if the relationship is clinically contraindicated or exploitative;

(b) shall not engage in bartering unless fair market value is used for goods or services bartered. (History: 37-1-131, 37-1-319, 37-17-202, MCA; IMP, 37-1-131, 37-1-316, 37-17-101, MCA; NEW, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2315 through 24.189.2317 reserved

24.189.2318 PRIVILEGED INFORMATION AND RECORDS (1) In regard to privileged information and records, the licensee:

(a) shall not reproduce or describe psychological tests or assessment procedures in popular publications, lectures or

public presentations in ways that might invalidate them;

(b) shall, in rendering professional services to an individual client, or services billed to a third party payer, maintain professional records that include:

(i) the presenting problem(s) or purpose of diagnosis;

(ii) the fee arrangement;

(iii) the date and substance of each billed contact or service;

(iv) any test results or other evaluative results obtained and any basic test data from which they were derived;

(v) notation and results of formal consults with other providers; and

(vi) a copy of all test or other evaluative reports prepared as part of the defined professional relationship.

(c) shall administer, store and dispose of written, electronic and other records in such a manner as to insure their confidentiality;

(d) shall not withhold records under their control that are requested and imminently needed for a client's treatment solely because payment has not been received, except as otherwise provided by law;

(e) shall continue to treat as confidential information regarding a client after the defined professional relationship between the psychologist and the client has ceased.

(2) Licensees shall maintain and not destroy patient records:

(a) for a period of seven years after the patient reaches the age of 18, for patients who are minors; and

(b) for a period of seven years after the last professional patient contact, including a release of records, for patients who are adults. (History: 37-1-131, 37-1-319, 37-17-202, MCA; IMP, 37-1-131, 37-1-316, 37-17-101, MCA; NEW, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282.)

## Sub-Chapter 24

### Complaint Procedures

24.189.2401 COMPLAINT PROCEDURE (1) A person, government or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the board.

(3) Upon receipt of the written complaint form, the board office shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation or a finding of reasonable cause of violation of a statute or rule.

The board office shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken. (History: 37-17-202, MCA; IMP, 37-1-308 and 37-1-309, MCA; NEW, 1997 MAR p. 538, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282.)

Rules 24.189.2402 through 24.189.2404 reserved

24.189.2405 SCREENING PANEL (1) The board screening panel shall consist of three board members including two psychologist board members who have served longest on the board, and one public member who has served longest on the board. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-17-202, MCA; IMP, 37-1-307, MCA; NEW, 1997 MAR p. 538, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282.)